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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,277	12/14/2005	Jason Stephen Perkes	330-031	5682

7590  
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Manorville, NY 11949

08/29/2007

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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08/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/561,277

Applicant(s)

PERKES, JASON STEPHEN

Examiner

Brent A. Swarthout

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12-14-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

1. The disclosure is objected to because of the following informalities: In claim 26, line 3 "color" is misspelled.

Appropriate correction is required.

2. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 22 is the same as claim 21.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-23 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

Yamada discloses a vehicle obstacle detection system with a sensor on an exterior mirror (abstract) comprising area sensing means 2 mounted at mirror housing to detect obstacles, control signal transmission means 5, and control signal receiving means 6 for generating an alarm inside the vehicle (par. 24), except for specifically stating that control signal transmission means is mounted inside or adjacent mirror. However, since Yamada teaches that transmission means receives reflected signals from receiver 3 which is mounted at the mirror, and transmits signals to display which can be at the mirror or inside the vehicle, it would have been obvious to one of ordinary skill in the art to place transmission means at the mirror, in order to have all system components mounted at the same location.

Regarding claim 18, since Yamada teaches use of signal processor to interpret received signals, it would have been obvious to have used digital signals since a signal processor is well-known for processing digital signals.

Regarding claim 19, Yamada teaches use of radar to sense obstacles (par. 24).

Regarding claims 21-23, Yamada teaches inherent receiving means inside a vehicle associated with visual display 6 for displaying obstacle information (par. 24).

Regarding claims 31-32, Yamada teaches that mirror on which obstacle sensing means are mounted can be self adjusting (par. 28).

4. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Curtin.

Yamada discloses a vehicle obstacle detection system as set forth above, except for specifically stating that warning pitch changes as distance to obstacle changes.

Curtin discloses desirability in an obstacle detection system of increasing pitch as distance to an obstacle decreases (col. 1, lines 40-45).

It would have been obvious to one of ordinary skill in the art to change the pitch of a warning as suggested by Curtin as distance to an obstacle decreased in a system as disclosed by Yamada, in order to let a driver know with certainty how close a vehicle was to an obstacle.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Schofield et al.

Yamada discloses a vehicle obstacle detection system as set forth above, except for specifically stating that color changes on an alarm as distance to obstacle changes.

Schofield teaches desirability of changing warning color as distance to an obstacle decreases (col. 6, lines 46-52).

It would have been obvious to one of ordinary skill in the art to change color of a warning as suggested by Schofield as distance to an obstacle decreased in a system as disclosed by Yamada, in order to let a driver know with certainty how close a vehicle was to an obstacle.

6. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Flick.

Yamada discloses a vehicle obstacle detection system as set forth above, except for specifically stating that control signal transmission and receiving means are wireless.

Flick teaches desirability in a vehicle obstacle detection system of communicating signals wirelessly from an obstacle sensor unit exterior of a vehicle to a warning device at vehicle interior (par. 25).

It would have been obvious to use wireless transmission means as suggested by Flick in conjunction with a vehicle obstacle detection warning system as disclosed by Yamada, in order to reduce installation complexity of an obstacle detection system.

Regarding claims 29-30, since Flick teaches desirability of having wireless transmission means associated with obstacle sensor and wireless receiving means associated with interior warning unit, choosing to mount the respective transmission or receiving means with the respective sensor or warning unit would have been obvious to one of ordinary skill in the art, in order to provide for simple installation with fewer external connections.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Jacobs.

Yamada discloses a vehicle obstacle detection system as set forth above, except for specifically stating that a mirror is adjusted based on sensed images.

Jacobs discloses desirability in a vehicle obstacle detection system of adjusting mirror position based on sensed image data (col. 5, lines 1-14).

It would have been obvious to use a mirror adjustment means as suggested by Jacobs in conjunction with a vehicle obstacle detection system as disclosed by Yamada, in order that a driver could have had a better look at obstacles once they were detected.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Park, Smithline, Samman, Sjonell and Yamabuchi disclose obstacle detection systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-Th from 6:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout  
Primary Examiner  
Art Unit 2612

**BRENT A. SWARTHOUT**  
**PRIMARY EXAMINER**